

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Robert D. Maverick,

Plaintiff,

v.

Case No. 10-15087

Paralell The Zone, LLC, *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER GRANTING
DEFENDANT BOYD'S MOTION TO SET ASIDE DEFAULT

A Clerk's Entry of Default was entered as to Defendant Brittany Boyd on August 3, 2011. This matter is currently before the Court on Defendant Boyd's Motion to Set Aside Default. (Docket Entry No. 61). The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decisional process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided upon the briefs. For the reasons that follow, the Court shall GRANT the motion.

Pursuant to Federal Rule of Civil Procedure 55(c), a district court may set aside an entry of default for good cause. The criteria used to determine whether good cause has been shown are whether: 1) the default was willful; 2) setting aside the default would prejudice the plaintiff; and 3) the alleged defense is meritorious. *O.J. Distributing, Inc. v. Hornell Brewing Co.*, 340 F.3d 345, 353 (6th Cir. 2003). A district court abuses its discretion in denying a motion to set aside an entry of default when the defendant has demonstrated it has a meritorious defense and

no prejudice would result from setting aside the default.

After considering the above criteria, the Court shall grant the motion and set aside the default entered as to Defendant Boyd. Defendant Boyd has asserted a meritorious defense, in that she denies the allegations made against her. In addition, Plaintiff has not established that he will be prejudiced if the default is set aside.

Accordingly, IT IS ORDERED that Defendant Boyd's Motion to Set Aside Default (Docket Entry No. 61) is GRANTED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 30, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 30, 2011, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager